

"(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense under this section may be delegated only to the Deputy Secretary of Defense, the head of an intelligence component of the Department of Defense (with respect to employees of that component), or the Secretary of a military department (with respect to employees of that department). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

"§ 1610. Reductions and other adjustments in force

Regulations.

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the separation of employees in defense intelligence positions, including members of the Defense Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, during a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

"(b) MATTERS TO BE GIVEN EFFECT.—The regulations shall give effect to the following:

"(1) Tenure of employment.

"(2) Military preference, subject to sections 3501(a)(3)

and
3502(b) of title 5.

"(3) The veteran's preference under section 3502(b) of title 5.

"(4) Performance.

"(5) Length of service computed in accordance with the second sentence of section 3502(a) of title 5.

"(c) REGULATIONS RELATING TO DEFENSE INTELLIGENCE

SFS.—

The regulations relating to removal from the Defense Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

"(d) RIGHT OF APPEAL.—(1) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides

annellate rights
or procedures.

"(2) Notwithstanding paragraph (1), a
reference eligible
referred to in section 7511(a)(1)(B) of title 5 may
elect to have
an appeal of a personnel action taken against the
reference eligible
under the regulation determined by the Merit
Systems Protection
Board instead of having the appeal determined
within the Depart-
ment of Defense. Section 7701 of title 5 shall apply
to any such
appeal to the Merit Systems Protection Board.

"(e) CONSULTATION WITH OPM.—Regulations under
this section
shall be prescribed in consultation with the Director
of the Office
of Personnel Management."

(c) TRANSFER OF SECTION 1599.—Subtitle A of title
10, United
States Code, is amended by transferring section
1599 to chapter
83 of such title, inserting such section after section
1610 (as added
by subsection (b)), redesignating such section as
section 1611, and
in subsection (f) striking out "means" and all that
follows and
inserting in lieu thereof "includes the National
Reconnaissance
Office and any intelligence component of a military
department."